

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA

Kevin Smith, a/k/a Bar-None, Royal Blackness #164920,)	C.A. #0:04-1819-PMD-BM
)	
Plaintiff,)	
)	
vs.)	<u>ORDER</u>
)	
Jon Ozmint, Director of The South Carolina Department of Corrections, et al,)	
)	
Defendants.)	

This matter is before the court upon the magistrate judge's recommendation that defendant Carlton Medley's motion to dismiss be denied. The record includes the report and recommendation of the United States Magistrate Judge made in accordance with this Court's Order of Reference and 28 U.S.C. § 636(b)(1)(B). Because petitioner is pro se, this matter was referred to the magistrate judge.¹

This Court is charged with conducting a de novo review of any portion of the magistrate judge's report to which a specific objection is registered, and may accept, reject, or modify, in whole or in part, the recommendations contained in that report. 28 U.S.C. § 636(b)(1). No objections have been filed to the magistrate judge's report.

A review of the record indicates that the magistrate judge's report accurately summarizes this case and the applicable law. For the reasons articulated by the magistrate judge, it is **ordered** that

¹Pursuant to the provisions of Title 28 United States Code, § 636(b)(1)(B), and Local Rule 73.02(B)(2)(d), D.S.C., the magistrate judge is authorized to review all pretrial matters and submit findings and recommendations to this Court.

defendant Medley's motion to dismiss is **DENIED**, and Medley shall file his motion for summary judgment within twenty (20) days of this Order.

FURTHER ORDERED, that the magistrate judge's report and recommendation is adopted as the order of this Court, and this matter is referred back to Magistrate Judge Marchant for further handling consistent with this order.

AND IT IS SO ORDERED.


PATRICK MICHAEL DUFFY
United States District Judge

Charleston, South Carolina
September 21, 2006